

JAMIE LYNN GALLIAN  
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Huntington Beach, CA 92649  
(714)321-3449  
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UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION

In re: JAMIE LYNN GALLIAN } CASE NO. 8:21-bk-11710-SC  
Debtor, } Adv. 8:21-ap-01096-SC  
Chapter 7 }  
  
JANINE JASSO } DEFENDANTS' REQUEST FOR  
Plaintiff, } ORAL ARGUMENT ON THE  
vs. } COURTS TENTATIVE RULING  
 } POSTED 1/6/2023 RE DEBTOR'S  
 } MOTION TO DISMISS, (ECF. 63)  
  
JAMIE LYNN GALLIAN } Date: January 10, 2023  
Defendant } Time: 1:00 p.m.  
 } Dept: 5C Via Zoom.Gov  
 } 411 W. Fourth Street  
 } Santa Ana, CA 92701

**TO THE HONORABLE SCOTT C. CLARKSON, UNITED STATES  
BANKRUPTCY JUDGE, PLAINTIFF, JANINE JASSO, THE OFFICE OF THE**

1 UNITED STATES TRUSTEE, THE TRUSTEE AND HIS COUNSEL, AND ALL  
2 PARTIES IN INTEREST.

3 JAMIE LYNN GALLIAN hereby respectfully request Oral Argument on  
4 January 10, 2023, concerning the Courts Tentative Ruling posted January 6, 2023,  
5 4:49:45 PM regarding the following issues.  
6

7 Page 77- “The Court has received and reviewed Defendant’s reply filed 1/6/23 [Dk. 96],  
8 *and notes that it raises new arguments regarding FRBP 4007 that were not*  
9 *raised in Defendant’s motion to dismiss in the first instance.* Pursuant to LBR  
10 9013-1(g)(4), [n]ew arguments or matters raised for the first time in reply  
11 documents will not be considered. Moreover, Defendant admitted that the complaint  
was timely in her answer filed 12/17/21 [Dk. 18; paragraph 4].

12 Defendant’s Motion To Dismiss ECF 63 is attached for the Courts Convenience  
13 and Reference. Specifically, Debtor will raise at Oral Argument, draw the Court’s  
14 attention to Debtor’s Notice of Motion page ii, Line 10-12, giving notice of  
15 debtor’s objection to Complaint Doc -3 filed after the time to object to discharge  
under 4007, therefore was ineffective and late.

16 Additionally under MEMORANDUM OF POINTS & AUTHORITIES, again ECF  
17 63 is attached for the Courts Convenience and Reference.  
18 Specifically, Debtor will raise at Oral Argument, draw the Court’s attention to  
19 Memorandum Of Points & Authorities, page iv, Line 16-27, giving notice of  
20 debtor’s objection to Complaint ECF 1, ECF 3,& ECF FAC 16 filed after the time  
to object to discharge under 4007, therefore was ineffective and late.

21 Debtor’s Reply to Plaintiff’s Response, ECF 96, thoroughly expounded on this  
22 Argument citing legal authority and case law, concerning the issue first raised in  
23 the Motion to Dismiss ECF 63; defects appearing on the face of each Complaint,  
24 ECF 1, ECF 3, and ECF 16 and in the Court’s Docket.

25 I declare under penalty of perjury the foregoing to be true and correct. Signed this  
26 9<sup>th</sup> day of January, 2023, at Huntington Beach, CA 92649

27 Dated: 1/09/23

  
\_\_\_\_\_  
JAMIE LYNN GALLIAN, Defendant

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Scott Clarkson, Presiding  
Courtroom 5C Calendar**

**Tuesday, January 10, 2023**

**Hearing Room 5C**

1:30 PM

**8:21-11710 Jamie Lynn Gallian**

**Chapter 7**

Adv#: 8:21-01096 Jasso v. Gallian et al

**#36.00**

CONT'D Hearing RE: Motion To Dismiss Complaint:

1. Determine Dischargeability Of Civil Attorney Fees Debt Separate And Aside Of Fees/Fine Pursuant To Section 523(A)(7); Argument Presented In Concurrent MSJ For Dismissal Of 1st Cause Of Action Section 523(a)(7);
  2. To Determine Nondischargeability Of Debt Pursuant To 11 U.S.C. Section 523(a)(2)(A);
  3. For Denial Of Discharge Pursuant To 11 U.S.C. Section 727(a)(3);
  4. For Denial Of Discharge Pursuant To 11 U.S.C. Section 727(a)(4); 5. For Denial Of Discharge Pursuant To 11 U.S.C. Section 727(a)(5).
- (Motion filed 11/8/2022)

FR: 12-13-22

Docket 63

**Tentative Ruling:**

Tentative for 1/10/23 is to DENY in part and GRANT in part.

Defendant's motion seeks dismissal under FRCP 12(b)(6) as to all causes of action. As previously noted by this Court's order continuing the hearing [Dk. 79], a Rule 12(b)(6) motion is untimely where, as here, a defendant answered the complaint prior to bringing a motion to dismiss. Accordingly, the Court will treat the motion as one seeking relief under FRCP 12(c). *Daimler Ag v. A Z Wheels LLC*, No. 16-CV-875-JLS (MDD), 2017 U.S. Dist. LEXIS 231381, at \* 4-5 (S.D. Cal. Nov. 27, 2017).

"Analysis under Rule 12(c) is substantially identical to analysis under Rule 12(b)(6) because, under both rules, a court must determine whether the facts alleged in the complaint, taken as true, entitle the plaintiff to a legal remedy." *Id.* (citing *Chavez v. United States*, 683 F.3d 1102, 1108 (9th Cir. 2012) (internal quotation marks and citation omitted)).

The Amended Complaint filed 11/16/21 [Dk. 6] asserts the following five

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1:30 PM

**CONT... Jamie Lynn Gallian**  
causes of action:

**Chapter 7**

- 1) Denial of Discharge of Debtor's Criminal Restitution Judgment pursuant to §523(a)(7) (debt owed to government)
- 2) Denial of Discharge of Debtor's Second Civil Judgment pursuant to §523(a)(2)(A) (actual fraud)
- 3) Denial of Discharge pursuant to §727(a)(3) (failure to keep records)
- 4) Denial of Discharge pursuant to §727(a)(4) (false oaths)
- 5) Denial of Discharge pursuant to §727(a)(5) (failure to explain loss of assets)

Having reviewed the Amended Complaint, and construing the facts in the Amended Complaint as true, the Court is inclined to DENY the motion as to the §523(a)(7) cause of action. First and foremost, the first cause of action has been appropriately pled. Moreover, summary judgment has already been awarded in Plaintiff's favor as to this cause of action. See Order entered 12/19/22, Dk. 84.

As to the remaining causes of action, the Court is inclined to GRANT the motion to dismiss with leave to amend, for the following reasons:

- 1) As to §523(a)(2)(A) cause of action, the Amended Complaint does not adequately address the reliance and damage elements.

11 U.S.C. §523(a)(2)(A) excepts from discharge a debt "for money, property, services, or an extension, or renewal, or refinancing of credit, to the extent obtained, by false pretenses, a false representation or actual fraud, other than a statement respecting the debtor's or insider's financial condition." To state a claim for relief as to this cause of action, facts must be alleged as to satisfy each of the following elements: (1) misrepresentation, fraudulent omission or deceptive conduct by the debtor; (2) knowledge of the falsity or deceptiveness of his statement or conduct; (3) an intent to

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Central District of California  
Santa Ana  
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1:30 PM

**CONT...**

**Jamie Lynn Gallian**

**Chapter 7**

deceive; (4) justifiable reliance by the creditor on the debtor's statement or conduct; and (5) damage to the creditor proximately caused by its reliance on the debtor's statement or conduct. *Turtle Rock Meadows Homeowners Ass'n v. Slyman (In re Slyman)*, 234 F.3d 1081, 1085 (9th Cir. 2000).

- 2) As to §727(a)(3) claim, the Amended Complaint is vague as to whether and from whom Debtor concealed information regarding her financial condition and/or business transactions.
- 3) As to both the §727(a)(4) and (5) claims, it is unclear whether the purported false oaths and losses were detailed sufficiently in subsequent amendments to Debtor's schedules (as argued by Defendant).

---

The Court has received and reviewed Defendant's reply filed 1/6/23 [Dk. 96], and notes that it raises new arguments regarding FRBP 4007 that were not raised in Defendant's motion to dismiss in the first instance. Pursuant to LBR 9013-1(g)(4), "[n]ew arguments or matters raised for the first time in reply documents will not be considered." Moreover, Defendant admitted that the complaint was timely in her answer filed 12/17/21 [Dk. 18; paragraph 4].

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Virtual appearances are required. The courtroom will be locked; parties will not be permitted to appear in the courtroom. The hearing will take place using Zoom for Government, a free service that provides audioconference and videoconference capabilities.

Participants may connect to the videoconference through an Internet browser by entering the Videoconference URL shown below, as well as the meeting ID and password, when prompted.

Videoconference URL: <https://cacb.zoomgov.com/j/1608061028>

Meeting ID: 160 806 1028

Password: 475657

**United States Bankruptcy Court  
Central District of California  
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Scott Clarkson, Presiding  
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1:30 PM

**CONT... Jamie Lynn Gallian**

**Chapter 7**

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Audioconference Tel. No.: +1 (669) 254 5252 or +1 (646) 828 7666

Meeting ID: 160 806 1028

Password: 475657

For further details, please consult the instructions on the Court's website  
<https://www.cacb.uscourts.gov/judges/honorable-scott-c-clarkson>.

Please note that default matters may be called prior to the videoconference, so there may be a slight delay to the official start time of the videoconference hearing.

As noted in the Court's Zoom Video Hearing Guide, located at  
<https://www.cacb.uscourts.gov/node/7890>, all persons are strictly prohibited from making any recording of court proceedings, whether by video, audio, "screenshot," or otherwise. Violation of this prohibition may result in the imposition of monetary and non-monetary sanctions.

**Party Information**

**Debtor(s):**

Jamie Lynn Gallian Pro Se

**Defendant(s):**

Jamie Lynn Gallian Pro Se

J-Pad, LLC Pro Se

J-Sandcastle Co LLC Pro Se

**Movant(s):**

Jamie Lynn Gallian Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Scott Clarkson, Presiding  
Courtroom 5C Calendar**

**Tuesday, January 10, 2023**

**Hearing Room 5C**

1:30 PM

**CONT... Jamie Lynn Gallian**

**Chapter 7**

**Plaintiff(s):**

Janine Jasso

Pro Se

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Aaron E. DE Leest  
Eric P Israel

1 JAMIE LYNN GALLIAN  
16222 Monterey Ln. #376  
2 Huntington Beach, CA 92649  
Telephone (714) 321-3449  
3 jamiegallian@gmail.com

4 Debtor, Defendant, IN PRO PER

5 UNITED STATES BANKRUPTCY COURT

6 CENTRAL DISTRICT OF CALIFORNIA - SANTA ANA DIVISION

7

8 Case No. 8:21-BK-11710-SC

9 Adv. 8:21-ap-01096-SC

10 In re

11 JAMIE LYNN GALLIAN

12 Debtor

13

14 JANINE JASSO, ESQ.  
an individual

15 Plaintiff

16 vs.

17 JAMIE LYNN GALLIAN

18 Defendant

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Before the *Honorable Scott C. Clarkson*  
**NOTICE OF AND MOTION TO DISMISS  
COMPLAINT:**

1. TO DETERMINE DISCHARGEABILITY OF  
CIVIL ATTORNEY FEES DEBT SEPARATE  
AND ASIDE OF FEES/FINE PURSUANT TO  
§523(A)(7);  
ARGUMENT PRESENTED IN concurrent MSJ FOR  
DISMISSAL OF 1ST CAUSE OF ACTION §523(a)(7)
2. TO DETERMINE NONDISCHARGEABILITY  
OF DEBT PURSUANT TO 11 U.S.C. SECTION  
523(a)(2)(A);
3. FOR DENIAL OF DISCHARGE  
PURSUANT TO 11 U.S.C. SECTION 727(a)(3);
4. FOR DENIAL OF DISCHARGE PURSUANT  
TO 11 U.S.C. SECTION 727(a)(4);
5. FOR DENIAL OF DISCHARGE PURSUANT  
TO 11 U.S.C. SECTION 727(a)(5).

[F.R.C.P. §§9(b), 12(b)(6); F.R.B.P. §§7009, 7012

Date: 11-15-2022

Time: 1:30pm

Courtroom 5C ZoomGov

Location: 411 W. Fourth Street, Santa Ana, CA 92701

**TO PLAINTIFF JANINE JASSO :**

**PLEASE TAKE NOTICE** that on 11-15-2022 at 1:30 PM in the Courtroom of the

Honorable Scott C. Clarkson, United States Bankruptcy Judge, Courtroom 5C located at the

1 United States Bankruptcy Court, Central District of California, Ronald Reagan Federal Building  
2 and Courthouse, located at 411 West Fourth Street, Suite 5060, Santa Ana, CA 92701-4593,  
3 Debtor and Defendant **JAMIE LYNN GALLIAN** ("Defendant") moves for an order  
4 dismissing the *Adversary Complaint*:

- 5 1. *To Determine Nondischargeability of Debt Pursuant to 11 U.S.C. Section §523(a)(7);*
- 6 2. *To Determine Nondischargeability of Debt Pursuant to 11 U.S.C. Section §523(a)(2)(A);*
- 7 3. *For Denial of Discharge Pursuant to 11 U.S.C. Section 727(a)(3);*
- 8 4. *For Denial of Discharge Pursuant to 11 U.S.C. Section 727(a)(4)*
- 9 5. *For Denial of Discharge Pursuant to 11 U.S.C. Section 727(a)(5);*

10 ("Original Complaint") filed 10-18-2021 Doc-1 [unsigned] herein by Plaintiff JANINE JASSO,  
11 ESQ. ("Plaintiff"). A second complaint was filed 10-19-2021, Doc-3; a FAC was filed 11-16-2021,  
12 Doc-6, was without leave of court. The FAC added new causes of action and facts unrelated to the  
"original [unsigned] complaint" Doc-1. Doc -3 was filed after the time to object to discharge 4007.

13 The *Motion to Dismiss* will be based on this Notice, on the  
14 attached Memorandum of Points and Authorities, on all the papers and records on file in  
15 this action, and on such oral and documentary evidence as may be presented at the hearing of the  
16 *Motion*.

17 Defendant brings this *Motion to Dismiss* pursuant to F.R.C.P. §§9(b), 12(b)(6), and F.R.B.P.  
18 § 7009, 7012, on the grounds that Plaintiff has failed to state a claim upon which relief may be  
19 granted. Plaintiff's Complaint fails to meet even the minimal elements of 11 U.S.C. §523(a)(2) and  
20 § 727(a). Plaintiff attempts to allege causes of action by providing an excessive listing of vague,  
21 redundant, and ultimately confusing assertions of fact (many of which only marginally qualify as  
22 facts), then, failing to apply those assertions to the elements of any given cause of action, makes only  
23 sweeping conclusory declarations of Defendant's liability. As a result, the pleading defies a basis for  
24 drawing any reasonable inference that Defendant is responsible for the misconduct alleged, let alone  
25 any of the injuries or damages which Plaintiff claims to have suffered. It is not the responsibility of  
26 Defendant, and certainly not the responsibility of the Court, to decipher the relevant facts from the  
27 referenced narrative in order to construct Plaintiff's claims for relief.

28

Pursuant to Local Bankruptcy Rule 9013-1, any objection or response to this Motion must be stated in writing, filed with the Clerk of the Court and served on Defendant at the address located in the upper left hand corner no later than fourteen days prior to the hearing. Failure to so state, file and serve any opposition may result in the Court failing to consider the same.

DATED: November 7, 2022 Respectfully submitted,

Jamie Lynn Gallian  
JAMIE LYNN GALLIAN  
Debtor and Defendant,  
In Pro Per

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13 **1. MEMORANDUM OF POINTS & AUTHORITIES**

14 **a. BACKGROUND**

15 On 07/09/2021, the Debtor commenced this voluntary Chapter 7 bankruptcy.

16 On 10/18/2021, Plaintiff commenced this Adversary Complaint. 8:21-ap-01096, filing an  
17 [unsigned] Complaint with the Clerk of the Court. Doc-1.

18 On 10/19/2021, Plaintiff filed a second complaint after 4:00pm, with the Clerk of the  
19 court. Plaintiff failed to serve debtor, in pro per, with the second 10-19-2021 "signed copy" of the  
20 complaint. Doc 3

21 On November 16, 2021 Plaintiff filed a First Amended Adversary Complaint, ("FAC")  
22 added and expanding causes of actions and adding facts, not relating back to the original  
23 [unsigned] complaint filed 10-18-2021. Doc-1, subsequently re-filed on October 19, 2021. Doc-3  
24 Plaintiff, a licensed California Attorney, failed to file a Notice of and Motion to Amend  
25 Adversary Complaint Doc-3 and obtain leave of court and/or the courts permission to file a late  
26 adversary complaint broadening the causes of actions not relating or appearing in the original  
27 unsigned complaint Doc-1. Moreover, Plaintiff, Janine B. Jasso, Esq. is a Member of the  
28 California State Bar, SBN 170188 and has come into this court with unclean hands, mislead the  
court on several points of fact in the original complaint and the First Amended Complaint.

1 The Third Cause of Action is for Denial of Defendants' Discharge Pursuant to 11 U.S.C. §727(a)  
2 (3); The Fourth Cause of Action is for Denial of Defendants' Discharge for False Oath Pursuant to  
3 11 U.S.C. §727(a)(4)(A); The Fifth Cause of Action is for Denial of Defendants' Discharge for  
4 Failure to Explain Losses Under 11 U.S.C. §727(a)(5).

5

6 Plaintiff's Second Cause based in part on Unit 376, Tract 10542 Unit 4, defendant a  
7 bona fide purchaser 11-1-18, Compl ¶ 26 for value of a 2014 Skyline Custom Villa  
8 manufactured home under an unexpired 80 yr Ground Leasehold Assignment from seller  
9 Lisa Ryan, of approximately 35 years remaining on the unexpired ground lease, pursuant to  
10 Health & Safety Code §18551. Seller Lisa Ryan, obtained the use of Lot 376 in 2006.  
11 The Ground Space, Lot 376, under the 2014 Skyline Custom Villa installed by permit from  
12 the Department of Housing and Community Development in 9-2014, purchased by defendant  
13 11-1-2018, based upon an allegation, Compl ¶52, FAC ¶84 that Defendant engaged in an  
14 fraudulent scheme to place her most substantial asset, the condominium Unit 53 located  
15 at 4476 Alderport, also in Tract 10542, out of reach of Plaintiff, who, as an individual  
16 Board member, was in the process of obtaining an attorney's fees award in excess of  
17 \$40,000.00, for successfully defending Debtor's civil cross-claims. Plaintiff, alleges debtor  
18 conducted her personal affairs through her personal account and business bank  
19 account held under the name of J-Sandcastle Co LLC, her sole member, alter ego  
20 company, J-Sandcastle Co, LLC., (the "Alter Ego Company") in an effort to shield herself  
21 from collection from judgments that were not even entered until 2019. Plaintiff, a Board  
Member and former attorney for The Huntington Beach Gables Homeowners  
Association, whom obtained a \$3,070.00 judgment against Debtor on September  
27, 2018, and none against J-Sandcastle Co LLC or J-Pad, LLC. (FAC ¶ 45).  
This claim is properly dismissed as Plaintiff is not the Chapter 7 Trustee and therefore  
lacks the standing to raise a claim under 11 U.S.C. § 548.

22

While the Plaintiff claims: "Plaintiff was in the process of obtaining an attorney  
fees award from defending against a cross claim" the basic elements of 11 U.S.C.  
§523(a)(2)(A) are nowhere to be found in the Complaint, violating the  
requirements of Federal Rule of Civil Procedure 9(b), made applicable to  
bankruptcy by Federal Rule of Bankruptcy Procedure 7009. The Complaint  
does not identify: (1) a representation of fact by the debtor, (2) that was material, (3)  
that the debtor knew at the time to be false, (4) that the debtor made with the  
intention of deceiving the creditor, (5) upon which the creditor relied, (6) that the  
creditor's reliance was reasonable, and (7) that damage proximately resulted from the  
misrepresentation.

Plaintiff's Second Cause of Action is for Denial of Defendants' Discharge Pursuant to 11 U.S.C. §727(a)(2)(A) is based on an allegation that: "Defendant engaged in an ongoing scheme to avoid, delay, hinder and defraud Plaintiff and her creditors, who had obtained judgments against her by concealing and transferring property, that was rightfully hers, to her Alter Ego Companies to prevent her creditors from collecting on their debts. (Complaint ¶ 42). The Complaint is silent as to what specific assets were transferred to Alter Ego Companies - and the dates of said alleged transfers - to prevent her creditors from collecting on a judgment of \$319,000.00 that didn't enter until May 2019. Ironically, of the few assets that Plaintiff does define as having been sold (ie., transferred), they occurred **beyond** the one-year pre-filing period.

Plaintiff's Third Cause of Action is for Denial of Defendants' Discharge for False Oath Pursuant to 11 U.S.C. §727(a)(3) is based on an allegation that the Defendant omitted assets in her bankruptcy, and failed to disclose said assets in her 341(a) examination - yet the Complaint acknowledged that the Debtor amended her bankruptcy schedules at least nine times, correcting and remedying what she inadvertently omitted beforehand. The Complaint cites no facts that this was more than an innocent and inadvertent oversight, and no facts were cited in the Complaint that this was a knowingly and fraudulently made false oath.

Plaintiff's Fourth Cause of Action is for Denial of Defendants' Discharge for Failure to Explain Losses Under 11 U.S.C. §727(a)(5) is based on an allegation that the Defendant failed to explain any loss of assets or deficiency of assets to meet the debtor's liabilities - yet the Complaint acknowledged that the Debtor amended her bankruptcy schedules nine times, correcting, explaining, and remedying what she inadvertently omitted beforehand. The Complaint cites no facts of any asset that remains unaccounted for - since the amendments, all were accounted for and explained. And since at this point in time, it is still "before the determination of a denial of discharge" Defendant has successfully explained all of her previous errors by virtue of her nine amendments filed solely In Pro Per.

Plaintiff's Fifth Cause of Action is for Alter Ego - which is not a valid cause of action under 11 U.S.C. §523(a) and/or 11 U.S.C. §727(a). It's not even a valid cause of action under California law.

Accordingly, the task has fallen upon Defendant to bring the instant *Motion to Dismiss*, for

failure to state a claim upon which relief can be granted pursuant to Rule 7012 of the Federal Rules of Bankruptcy Procedure, incorporating by reference, Rule 12(b)(6) of the Federal Rules of Civil Procedure in order to demonstrate that Plaintiff's pleading is filled with superfluous matter, alleging vague unspecified conduct, damages, and events which are so remote in time as to be time-barred and allegations which are mere conclusions.

b. **ARGUMENT**

A complaint must allege sufficient factual matter, which if accepted as true would "state a claim to relief that is plausible on its face." *Ashcroft v. Iqbal*, 556 U.S. 662, 129 S. Ct. 1937, 1949 (2009), quoting, *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007). A claim is facially plausible when a court can draw a reasonable inference that the defendant is liable for misconduct. *Id.* The complaint must state a claim for relief that is plausible in order to survive a motion to dismiss. *Ashcroft v. Iqbal*, 129 S. Ct. at 1950. A dismissal without leave to amend should not be granted unless "the complaint could not be saved by any amendment." *Polich v. Burlington Northern, Inc.*, 942 F.2d 1467, 1472 (9th Cir. 1991) (citation omitted).

Federal Rules of Civil Procedure, Rule 12(b)(6) provides, in pertinent part:

Every defense, in law or fact, to a claim for relief in any pleading, whether a claim, counterclaim, cross-claim, or third-party claim, shall be asserted in the responsive pleading thereto if one is required, except that the following defenses may at the option of the pleader be made by motion: ... (6) failure to state a claim upon which relief can be granted ....

Courts have increasingly recognized that under appropriate circumstances these motions are useful and even necessary tools for disposing of insupportable claims. Thus, while the Court, in deciding a motion to dismiss, must accept as true all material allegations of a complaint and construe them in the light most favorable to the plaintiff. *N.L. Industries, Inc. v. Kaplan*, 792 F.2d 896, 898 (9th Cir. 1986). "To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" *Ashcroft v. Iqbal*, 129 S.Ct. 1937, 1949 (2009) (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). "A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." (*Ibid.*) In other words, the relevant

question for purposes of a motion to dismiss for failure to state a claim is “whether, assuming the factual allegations are true, the plaintiff has stated a ground for relief that is plausible.” *Ashcroft, supra*, 129 S.Ct. at 1959. However, the Court need not accept conclusory allegations, unwarranted deductions or unreasonable inferences. *Western Mining Council v. Watt*, 643 F.2d 618, 624 (9th Cir. 1981), *cert. denied*, 454 U.S. 1031, 102 S.Ct. 567, 70 L.Ed. 2d 474 (1981). Nor need a court assume that Plaintiff can prove facts different from those it has alleged. *Associated Gen. Contractors of Calif. v. California State Council of Carpenters* 459 U.S. 519, 526 (1983). As one court has put it, courts need not “swallow the plaintiff’s invective hook, line, and sinker; bald assertions, unsupportable conclusions, periphrastic circumlocutions, and the like need not be credited.” *Aulson v. Blanchard* 83 F.3d 1, 3 (1st Cir. 1996).

Federal Rule of Civil Procedure 12(b)(6), made applicable to bankruptcy by Federal Rule of Bankruptcy Procedure 7012, is similar to the common law general demurrer in that it tests the legal sufficiency of the claim or claims stated in the Plaintiff’s unsigned complaint Doc 1 and First Amended Complaint Doc 6, without leave of court to amend. A court must decide whether the facts alleged, if true, would entitle the plaintiff to some form of legal remedy. *Conley v Gibson*, 355 U.S. 41, 45-46, 78 S.Ct. 99, 102 (1957); *De La Cruz v Tormey* 582 F.2d 45, 48 (9th Cir. 1978).

Therefore, a Rule 12(b)(6) dismissal motion is proper where there is an absence of sufficient facts alleged under a cognizable legal theory. *Balistreri v. Pacifica Police Dept*, 901 F.2d 696, 699 (9th Cir. 1990); *Graehling v. Village of Lombard, III*, 58 F.3d 295, 297 (7th Cir. 1995). If a critical threshold element is missing from the Plaintiff’s Complaint, a motion to dismiss under Rule 12(b)(6) must be granted. This is precisely the problem with Plaintiff’s Unsigned Complaint and First Amended Complaint - alleged facts are not stated with the requisite specificity.

i. **PLAINTIFF’S COMPLAINT IS PROPERLY DISMISSED PURSUANT TO F.R.C.P. §§9(B), 12(B)(6) AND F.R.B.P. §§7009, 7012**

(1) **PLAINTIFF’S 2nd CAUSE OF ACTION FOR FRAUD UNDER 11 U.S.C. §523(A)(2)(A) IS PROPERLY DISMISSED**

The holding in *In re Rubin*, 875 F.2d 755, 759 (9<sup>th</sup> Cir., 1989) provides:

The elements of a claim for fraudulent misrepresentation under section 523(a)(2)(A)

1       are: (1) a representation of fact by the debtor, (2) that was material, (3) that the debtor  
2       knew at the time to be false, (4) that the debtor made with the intention of deceiving  
3       the creditor, (5) upon which the creditor relied, (6) that the creditor's reliance was  
4       reasonable, and (7) that damage proximately resulted from the misrepresentation.

5                  To support a 11 U.S.C. §523(a)(2)(A) action, Plaintiff must establish that Defendant made  
6       a false representation with respect to existing and ascertainable facts. *In re Fravel*, 143 Bankr. 1001  
7       (Bankr. E.D.Va.1992); *In re Schwartz & Meyers*, 130 Bankr. 416 (Bankr. S.D.N.Y.1991).

8                  Section 523(a)(2)(A) of the Bankruptcy Code provides in pertinent part that "A discharge  
9       under this title does not discharge an individual debtor from any debt or money, property, services,  
10      or an extension, renewal or refinancing of credit to the extent obtained by false pretenses, or false  
11      representation, or actual fraud, other than a statement respecting the debtor's or an insider's financial  
12      condition." A claim under this "fraud" exception requires that the claim satisfy the heightened  
13      pleading requirements for fraud pursuant to Fed. R. Civ. P. 9(b). See *In re Jacobs*, 403 B.R. 565, 574  
14      (Bankr. N.D. Ill. 2009)(citations omitted), as well as *In re Kanaley*, 241 B.R. 795, 803 (Bankr.  
S.D.N.Y. 1991).

15                 Federal Rule of Civil Procedure Rule 9(b) and Federal Rule of Bankruptcy Procedure 7009  
16      states "In alleging fraud, a party must state with particularity the circumstances constituting fraud or  
17      mistake. Malice, intent, knowledge, and other conditions of a person's mind may be alleged generally."  
18      While intent or knowledge may be averred generally, however, the plaintiff must still plead the events  
19      claimed to give rise to an inference of intent or knowledge *Devaney v. Chester*, 813 F.2d 566, 568 (2d  
20      Cir. 1987), which may be accomplished by pleading facts consistent with certain well established  
21      "badges of fraud." *In re Sharp Int'l Corp.*, 403 F.3d 43, 56 (2d Cir. 2004). In addition to providing a  
22      defendant with fair notice of the claim, Rule 9(b) serves the purpose of protecting a defendant from  
23      harm to his or her reputation or good-will by unfounded allegations of fraud, and by reducing the  
24      number of strike suits. *In re Actrade Financial Technologies Ltd.*, 337 B.R. 791, 801 (Bankr.  
S.D.N.Y. 2005).

25                 Those three terms, as used in section 523(a)(2)(A), embody different concepts in Congress'  
26      use of the disjunctive, or evidence an intent to deny a discharge under any such term." The term "false  
27      pretenses" is defined as conscious, deceptive or misleading conduct, calculated to obtain or deprive

1 another of property. It includes an implied misrepresentation or conduct intended to create a false  
2 impression. The term "false representation" requires that the plaintiff present proof that the defendant  
3 (1) made a false or misleading statement, (2) with the intent to deceive, and (3) to cause the plaintiff  
4 to turn over money or property to the defendant. The term "actual fraud" requires proof of the five  
5 fingers of fraud, or five elements of fraud, which are (1) a misrepresentation, (2) fraudulent intent or  
6 scienter, (3) intent to induce reliance, (4) justifiable reliance, and (5) damage. A reckless  
7 representation or silence regarding a material fact may in some cases constitute the requisite falsity,  
8 and in certain cases a causal link, as opposed to actual reliance, may establish the creditor's injury.  
9 Although the statute could conceivably be read as providing that one's debt may not be subject to the  
10 discharge if one merely benefits from someone else's fraud, in keeping with the Congressional purpose  
11 behind section 523 that is not the approach taken by the courts. The case law requires fraudulent  
12 conduct, false pretenses, or false representations on the part of the particular debtor in question, either  
13 directly or by imputation.

14 Nothing in the Plaintiffs' complaint would satisfy Federal Rule of Civil Procedure Rule 8 and  
15 Federal Rule of Bankruptcy Procedure 7008, let alone FRCP 9(b), as to whether a claim has been  
16 alleged under Bankruptcy Code section 523(a)(2)(A) for fraud, false pretenses or  
17 misrepresentation. The (Complaint ¶ 52) laments: "Debtor engaged in a fraudulent scheme to  
18 place her most substantial asset, the condominium located at 4476 Alderport, Unit 53, out of reach  
19 of Plaintiff, who, as an individual Board Member, was in the process of obtaining an attorney's fees  
20 award in excess of \$40,000.00 for successfully defending Debtor's civil cross claims" but clearly  
21 no misrepresentation by Defendant has been alleged here, or any intent on her part to induce  
22 reliance thereon. It not only does not plead sufficient "badges of fraud" as to Defendant, it also  
23 does not plead any facts, as opposed to conclusions, describing her fraud. Without more, therefore,  
24 the complaint's claim under section 523(a)(2)(A) of the Bankruptcy Code is properly dismissed.

25 Further, Plaintiff's Second Cause of Action for Money Obtained by False Pretenses and  
26 Actual Fraud Pursuant to 11 U.S.C. §523(a)(2)(A) is based on an allegation that Defendant, in her  
27 operation of her various businesses including JP and JSC, operated these business as her alter ego  
28 since October 18, 2018, (the "Alter Ego Companies") in an effort to shield herself from personal  
liability while at the same time using funds of these business for personal purpose.(Complaint ¶ 57).

1 This claim is properly dismissed as Plaintiff is not the Chapter 7 Trustee and therefore lacks the  
2 standing to raise a claim under 11 U.S.C. § 548.

3 11 U.S.C. § 548 gives the “trustee the ability to avoid any transfer of interest of the debtor  
4 in property, or any obligation incurred by the debtor that was made or incurred within one year  
5 before the date of the filing of the petition”. “A trustee may set aside a transfer of an interest of the  
6 debtor if the debtor made the transfer ...” *In re Cohen*, 300 F.3d 1097 (9th Cir. 2002). The court  
7 continued “A trustee's right to recover differs dramatically depending on which section is  
8 applicable” See also *Schafer v. Las Vegas Hilton Corp. (In re Video Depot)*, 127 F.3d 1195,  
9 1197-98 (9th Cir. 1997). “Section 548(a)(2) of the Bankruptcy Code sets forth the avoiding powers  
10 of a **bankruptcy trustee** as they relate to fraudulent transfers of a debtor's interest in  
11 property.” (Emphasis added) *In re BFP*, 974 F.2d 1144 (9th Cir.1992).

12 11 U.S.C. § 544 like Section 547 also vests power in the Trustee for the benefit of the  
13 estate. Like section 547 it specifically states rights for the trustee it clearly states “The **trustee**  
14 shall have... the rights and powers of avoidance of any transfer of property of the debtor or any  
15 obligation incurred by the debtor...” (Emphasis added).

16 “Section 544 of the Bankruptcy Code, the "strong-arm clause," grants a trustee in  
17 bankruptcy "the rights and powers of a hypothetical creditor who obtained a judicial lien on all of  
18 the property in the estate at the date the petition in bankruptcy was filed." *In re Commercial W.  
19 Fin. Corp.*, 761 F.2d 1329, 1331 n.2 (9th Cir. 1985) (citing 11 U.S.C.&sect; 544(a)(1)). "One of  
20 these powers is the ability to take priority over, or 'avoid' security interests that are unperfected  
21 under applicable state law . . ." Id. Avoiding such interests relegates them to the status of a  
22 general unsecured claim. See 5 *Collier on Bankruptcy* ¶¶ 544.02, 544.05 (Lawrence P. King ed.,  
23 15th ed. rev. 2000).*Neilson v. Chang*, 253 F.3d 520 (9th Cir. 2001).

24 F.The rule is clear, the rights which Plaintiff seeks to enforce belong solely to the trustee, they are  
25 not Plaintiff's to exercise.

26 (2) PLAINTIFF'S 3<sup>rd</sup> CAUSE OF ACTION UNDER 11 U.S.C.  
27 §727(a)(2)(A) IS PROPERLY DISMISSED

28 11 U.S.C. §727(a)(2)(A) - Discharge provides:

1                             (a) The court shall grant the debtor a discharge, unless—  
2                             (2) the debtor, with intent to hinder, delay, or defraud a creditor or an officer of the  
3                             estate charged with custody of property under this title, has transferred, removed,  
4                             destroyed, mutilated, or concealed, or has permitted to be transferred, removed,  
5                             destroyed, mutilated, or concealed—  
6                             (A) property of the debtor, within one year before the date of the filing of the petition  
7                             [Emphasis added]

8                             Two elements comprise an objection to discharge under 11 U.S.C. § 727(a)(2)(A): 1) a  
9                             disposition of property by or at the sufferance of the debtor by transfer, removal, destruction,  
10                             mutilation, or concealment; and 2) a subjective intent on the debtor's part to hinder, delay or defraud  
11                             a creditor through the act disposing of the property. Both elements must take place within 1-year of  
12                             the Petition Date of 7-09-2021 (the one-year pre-filing period); acts and intentions occurring before  
13                             this period are forgiven. *In re Lawson*, 122 F3d 1237 (CA9 1997).

14                             This section is construed liberally in favor of the debtor and strictly against those objecting  
15                             to discharge. Before a court can refuse a discharge under 11 U.S.C. § 727(a)(2)(A), it must be shown  
16                             that there was an actual transfer of valuable property belonging to the debtor which reduced the  
17                             assets available to the creditors and which was made with fraudulent intent. *In re Garcia*, 168 B.R.  
18                             403 (D. Ariz. 1994).

19                             Plaintiff's Third Cause of Action is for Denial of Defendants' Discharge Pursuant to 11  
20                             U.S.C. §727(a)(2)(A) ) is based on an allegation that: "Defendant engaged in an ongoing scheme to  
21                             avoid, delay, hinder and defraud their creditors, including Plaintiff, who was in the process of  
22                             obtaining judgments against by concealing and transferring property, that was rightfully hers, to her  
23                             Alter Ego Companies to prevent plaintiff from collecting on debts. (Complaint ¶ 42).

24                             The Complaint is silent as to what specific assets were transferred to Alter Ego Companies -  
25                             and the dates of said alleged transfers - to prevent the only creditor, Huntington Beach Gables  
26                             Homeowners Association from collecting on their September 2018, \$3070.00 judgment.

27                             Ironically, of the single asset that Plaintiff does define as having been sold 4476 Alderport Unit  
28                             53, (ie., transferred), occurred **beyond the one-year pre-filing period** (7-9-2020 - 7-9-2021).  
                           Complaint ¶ 24, FAC ¶35 & 36 identifies real property located at 4476 Alderport Unit 53  
                           Huntington Beach, CA., 92649 that was sold to Mr. Nickel on October 31, 2018

1 real property that was sold by the Debtor on 10-31-2018 ( beyond the one-year pre-filing period  
2 (7-9-2020 -7-9-202)).

3 Complaint ¶ 11; 24; FAC ¶13, 35, 36 identifies (1) real property (4476 Alderport  
4 Huntington Beach, CA; 92649) that was once owned by the Debtor, but is silent as to  
5 whether it was transferred within the one-year pre-filing period (7-9-2020 - 7-9-2021).

6 Complaint ¶ 26 identifies (1) 2014 Manufactured Home "on or about November 1, 2018,  
7 Debtor purchased the Lisa Ryan's (sic) mobile home located at 16222 Monterey Lane, Space 376,"  
8 but is silent as to whether it was transferred within the one-year pre-filing period (7-9-2020 -  
9 7-9-2021).

Chattel	Transfer Date
2014 Skyline Custom Villa Complaint ¶30 FAC ¶ 50 (Transferred for \$225,000.00, 30-yr Manufacture Financing Secured Promissory Note)	Within 2 years of the Petition Date 11/16/2018 admittedly transferred within four years.
Complaint ¶32; FAC ¶ 57 2/26/2019 "Debtor and J-Sandcastle Co LLC, became the joint owners of J-Pad"	02/26/2019 admittedly transferred within four years.
FAC ¶ 58 1/8/2020, "Robert McLelland....became the sole owner of J-Pad"	01/2/2020 admittedly transferred within four years.
Complaint ¶34; FAC ¶1/29/20, J-Pad and Family Members of Debtor became owners of JSC.	01/29/2020 admittedly transferred within four years.

20 There is no factual allegation in the Complaint of any subjective intent on the Defendants' part  
21 to hinder, delay or defraud a creditor, or any creditor, from 7-9-2020 - 7-9-2021.

22 Accordingly, Plaintiff's 3<sup>rd</sup> Cause of Action under 11 U.S.C. §727(a)(2)(A) is properly  
23 dismissed.

24 (3) **PLAINTIFF'S 4<sup>th</sup> CAUSE OF ACTION UNDER 11 U.S.C.**

25 **§727(a)(4) IS PROPERLY DISMISSED**

26 **11 U.S.C. §727(a)(4)(A) - Discharge provides:**

- 27 (a) The court shall grant the debtor a discharge, unless (4) the debtor knowingly and  
28 fraudulently, in or in connection with the case—  
(A) made a false oath or account

1           A plaintiff seeking denial of a debtor's discharge under § 727(a)(4)(A) must prove that:  
2       (1) [the debtor] made a statement under oath; (2) the statement was false; (3) [the debtor] knew the  
3       statement was false; (4) [the debtor] made the statement with fraudulent intent; and (5) the  
4       statement related materially to the bankruptcy case. *Matter of Beaubouef*, 966 F.2d 174, 178 (5th  
5       Cir 1992), cited in *In re Spitko*, 357 B.R. at 312. *Accord Keeney v. Smith (In re Keeney)*, 227 F.3d  
6       679, 685 (6th Cir. 2000); *Moore v. Strickland (In re Strickland)*, 350 B.R. 158, 163 (Bankr. D. Del.  
7       2006). See also *In re Zimmerman*, 320 B.R. at 806.

8           Not all omissions or errors, however, lead to denial of a discharge. A debtor that is merely  
9       careless in preparing schedules and statements or in testimony in connection with a case may  
10      receive a discharge absent proof of fraudulent intent. *Bauman v. Post (In re Post)*, 347 B.R. 104,  
11      112 (Bankr. M.D. Fla. 2006); *Estate of Harris v. Dawley (In re Dawley)*, 312 B.R. 765, 785  
12      (Bankr. E.D. Pa. 2004). Further, a debtor who relies on the advice of counsel who is generally aware  
13      of all relevant facts also will not be found to have made a false oath. *In re Topper*, 229 F.2d 691, 693  
14      (3d Cir. 1956) cited in *In re Georges*, 138 Fed. Appx. 471, 472 (3d Cir. 2005); *In re Dawley*, 312 B.R.  
15      at 787.

16           A party objecting to discharge under § 727(a)(4)(A) must prove by a preponderance of the  
17       evidence that "the false oath [was] fraudulent and material." *Swicegood*, 924 F.2d at 232.

18           Plaintiff's Fourth Cause of Action is for Denial of Defendants' Discharge for False  
19       Oath Pursuant to 11 U.S.C. §727(a)(4)(A) is based on an allegation that the Defendant omitted  
20       assets in her bankruptcy, and failed to disclose said assets in her 341(a) examination - yet  
21       the Complaint acknowledged that the Debtor amended her bankruptcy schedules several  
22       times, correcting and remedying what she inadvertently omitted beforehand. In *In re Beaubouef*,  
23       966 F.2d 174, 178 (5th Cir. 1992) the Court clearly stated that an opportunity to clear up  
24       inconsistencies and omissions with amended schedules may be considered in analyzing findings of  
25       actual intent to defraud); *Gullickson v. Brown (In re Brown)*, 108 F.3d 1290, 1294-95 (10th Cir.  
26       1997). Here, the Defendant voluntarily amended ((9-7-2021, 9-22-2021, 10-14-2021),  
27  
28

1 her Schedules and Statement of Financial Affairs before this Complaint  
2 was ever filed (10-18-2021-bk-Doc-28) or [ap-01096-[Doc-1] and ap-01096 10-19-2021 [Doc-3]  
3 and 11-16-2021 FAC [Doc-6] before she even knew that a 727 complaint was being filed  
4 against her. The Debtor seized her own opportunities to clear up any inconsistencies or  
5 omissions with amended Schedules and Statement of Financial Affairs demonstrating that she  
6 lacked actual intent to defraud.

7 Under the "Relations Back" Doctrine of F.R.C.P. 15, and F.R.B.P 7015, said amendments  
8 (1)9-07-2021 [Doc-15], (2) 9-22-2021 [Doc-16], (3) 10-14-2021 [Doc-22], (4) 11-16-2021  
9 [Doc-37], (5) 11-22-21 [Doc-38], (6) 11-23-2021 [Doc-39], (7) 12-1-21 [Doc-42], (8)  
3-11-2022 [Doc-72], (9) 3-15-22 [Doc-75] relate back to the initial bankruptcy filing of  
10 7-09-2021, and therefore verify the integrity of this Defendant to maintain the accuracy of her  
11 Petition.

12 The Complaint itself acknowledged the Defendant's amendments (FAC ¶ 98 calling  
13 them "knowingly signed the schedules") and how they cured and remedied what was accidentally  
14 omitted in the initial filing:

15 Asset Allegedly Omitted in 16 Initial Bankruptcy	17 Reality	18 Cured By Amendment
19	20	21
22 Complaint ¶	23 Defendants' Statement of 24 Financial Affairs of 9-7-2021 25 [Doc 15] # 27, listed 2 LLC's: (1) J-Sandcastle Co (2) J-Pad, LLC See Complaint ¶ 25 &26	26
27	28	

1	FAC ¶ 103: Defendant stted 2 she had not sold, traded.... not 3 list any transfers under 4 Question 18 of her SOFA 5 regarding transfers of property 6 in the two (2) years preceding 7 the Petition Date	There were no transfers to record of real estate within the two (2) years preceding the Petition Date (7-9-2019 -7-9-2021). Complaint ¶ 24 FAC ¶13 identifies real property located at 4476 Alderport Huntington Beach CA 92649 that was sold by the Debtor on 10-31-2018 (beyond the one-year pre- filing period (7-9-2020 - 7-9-2021).	
8			
9			
10			
11			
12			
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14       The Complaint cites no facts that the initial errors that were corrected by amendments were  
15 nothing more than innocent and inadvertent oversights, and no facts were cited in the Complaint  
16 that they were knowingly and fraudulently made false oaths.

17       The Complaint is silent as to whether the alleged concealed information would have or could  
18 have revealed assets available for creditors, especially if the assets in question were exempted .  
19 The Complaint does not allege that the Debtor made a false oath with fraudulent intent. In fact,  
20 the evidence will show if this case goes to trial that the Defendant was not adequately  
21 interrogated by her retained attorney [subsequently rescinded the retainer agreement] in the  
22 initial consultation and preparation of her schedules. Such reliance on an attorney can,  
23 with other evidence, demonstrate a lack of actual intent. *Parnes et al. v. Parnes*(*In re Parnes*), 200  
24 B.R. 710, 715(Bankr. N.D. Ga. 1996). Accordingly, Plaintiff's 4<sup>th</sup> Cause of Action under 11 U.S.C.  
25 §727(a)(4) is properly dismissed.

26

27

28

1 (5) PLAINTIFF'S 5TH CAUSE OF ACTION UNDER 11 U.S.C. §727(a)(5) IS  
2 PROPERLY DISMISSED

3 The elements that comprise an objection to discharge under 11 U.S.C. § 727(a)(5): the  
4 debtor failed to explain satisfactorily, **before determination of denial of discharge** under this  
5 paragraph, any loss of assets or deficiency of assets to meet the debtor's liabilities. [Emphasis  
6 added]

7 Here, no trial has been scheduled, and Defendant explained satisfactorily, **before**  
8 determination of denial of discharge any loss of assets or deficiency of assets to meet the debtor's  
9 liabilities in her amendment of (1) 9-7-2021 [Doc-15], (2) 9-22-2021 [Doc-16-17], (3) 10-14-2021  
10 [Doc-22], (4) 11-16-2021[Doc-37], (5) 11-22-2021 [Doc-38], (6) 11-23-2021[Doc-39], (7)  
11 12-1-2021 [Doc-42], (8) 3-11-2022 [Doc-72], (9) 3-15-2022[Doc-75].

12 11 U.S.C. § 727(a)(5) does not explicitly require a creditor to call upon a debtor to explain  
13 a loss of assets prior to filing an adversary proceeding. A denial of discharge under § 727(a)  
14 (5) requires only that the debtor fail to explain a loss of assets “before determination of  
15 denial of discharge under this paragraph.” To require a creditor to seek an explanation from  
16 the debtor prior to filing an adversary hearing would add an additional and redundant layer of  
17 inquiry to § 727(a)(5). Accordingly, Plaintiff’s 5<sup>th</sup> Cause of Action under 11 U.S.C. §727(a)(5) is  
18 properly dismissed.

19 (5) PLAINTIFF'S ALLEGED CAUSE OF ACTION FOR ALTER EGO PROPERLY  
20 DISMISSED.

21 In AHCOM, Ltd. v. Smeding,, 2010 WL 4117736, 2010 DJDAR 16125, Case No.  
22 09-16020 (9th Cir. Oct. 21, 2010), the Ninth Circuit concluded, “California law does not  
23 recognize an alter ego claim or cause of action that will allow a corporation and its shareholders to  
24 be treated as alter egos for the purposes of all the corporation’s debts.” The Ninth Circuit overruled  
25 opinions relied on a California state court case, Stodd v. Goldberger, 73 Cal. App. 3d 827 (1977),  
26 for the proposition that California recognized a general alter-ego claim.  
27 Accordingly, Plaintiff’s alleged Cause of Action for alter ego is properly dismissed.

1       c. CONCLUSION

2              Plaintiff has not demonstrated, nor can she state a viable claim under any cause of action  
3              in her Complaint; lacking liability and filed for the purpose of harassment, unreasonable delay,  
4              and to obtain an unfair advantage in the *Nickel vs, Huntington Beach Gables Homeonwers*  
5              *Association, et al.* state court action filed by a bona fide purchaser of the Gallian real property  
6              in October 2018.

7              Particularly evident when one examines the Complaint's claims, which consists of no  
8              more than the gratuitous and bare-bones boilerplate conclusions minimally invoking this  
9              Court's jurisdiction. For the above reasons, Defendant prays that this Court dismiss Plaintiff's  
10              Complaint with prejudice, that Plaintiff not be granted leave to amend, that Plaintiff take  
11              nothing by her Complaint, and that Defendants' alleged debt to Plaintiff be discharged.  
12              Further, Defendant prays that this Court issue a finding of fact that the claims brought by  
13              Plaintiff are dischargeable, and that pursuant to 11 U.S.C. §524(a)(1) and (2), this discharge  
14              should also serve to void any future judgment to determine the personal liability of  
15              Defendant and operate as a permanent injunction against any actions whether commenced  
16              pre-petition or post-petition.

17              Further, Defendant prays that this Court award Defendant costs and reasonable  
18              attorney's fees in an amount which will be ascertained, pursuant to 11 U.S.C. §523(d)  
19              and Federal Rule of Bankruptcy Procedure 9011.

20              According, Defendant respectfully request that the Court enter an order granting the *Motion*  
21              in its entirety, and providing for such other and further relief as this Court deems just.

22              I declare under penalty of perjury the foregoing is true and correct. Signed at Huntington  
23              Beach CA. County of Orange.

25              DATED:     November 7, 2022

Respectfully submitted.

26                
\_\_\_\_\_  
27              JAMIE LYNN GALLIAN

28              Debtor and Defendant,  
                    IN PRO PER

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:  
5801 Skylab Road, Huntington beach, CA 92647

A true and correct copy of the foregoing document entitled: **MOTION TO DISMISS COMPLAINT: 1. TO DETERMINE NONDISCHARGEABILITY OF DEBT PURSUANT TO 11 U.S.C. § 523(a)(2)(A); 2. FOR DENIAL OF DISCHARGE PURSUANT TO 11 U.S.C. § 727(a)(2)(A); 3. FOR DENIAL OF DISCHARGE PURSUANT TO 11 U.S.C. § 727(a)(4)(A); 4. FOR DENIAL OF DISCHARGE PURSUANT TO 11 U.S.C. § 727(a)(5); AND 5. FOR A FINDING OF ALTER EGO LIABILITY** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) 11/7/2022, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

**Jeffrey I Golden (TR)** Iwerner@wgllp.com; jlg@trusteesolutions.net; kadele@wgllp.com

**United States Trustee (SA)** ustpregion16.sa.ecf@usdoj.gov

Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On \_\_\_\_\_, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served):** Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on 11/7/2022 I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

**Judge Scott C. Clarkson**  
United States Bankruptcy Court  
Central District of California  
Ronald Reagan Federal Building and Courthouse  
411 W. Fourth Street, Ste. 5060  
Santa Ana, CA 92701-4593

**Plaintiff Janine B. Jasso, Esq.** P.O. Box 370161  
**Email Address:** El Paso, Tx  
j9\_jasso@yahoo.com 79937

Service information continued on attached page

November 7, 2022 Robert McLelland  
Date Printed Name

*Robert McLelland*  
Signature bobwentflyng@yahoo.com

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

ADDITIONAL SERVICE INFORMATION (if needed):

**1. SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")**

Aaron E DE Leest on behalf of Trustee Jeffrey I Golden (TR)  
adeleest@DanningGill.com, danninggill@gmail.com;adeleest@ecf.inforuptcy.com

Robert P Goe on behalf of Creditor The Huntington Beach Gables Homeowners Association  
kmurphy@goforlaw.com, rgoe@goforlaw.com;goeforecf@gmail.com

Robert P Goe on behalf of Plaintiff The Huntington Beach Gables Homeowners Association  
kmurphy@goforlaw.com, rgoe@goforlaw.com;goeforecf@gmail.com

Jeffrey I Golden (TR) lwerner@wglip.com, jig@trustesolutions.net;kadele@wglip.com

D Edward Hays on behalf of Creditor Houser Bros. Co. dba Rancho Del Rey Mobile Home Estates  
ehays@marshackhays.com,  
ehays@ecf.courtdrive.com;kfrederick@ecf.courtdrive.com;cmendoza@marshackhays.com;cmendoza@ecf.courtdrive.com

D Edward Hays on behalf of Interested Party Courtesy NEF  
ehays@marshackhays.com,  
ehays@ecf.courtdrive.com;kfrederick@ecf.courtdrive.com;cmendoza@marshackhays.com;cmendoza@ecf.courtdrive.com

D Edward Hays on behalf of Plaintiff Houser Bros. Co.  
ehays@marshackhays.com,  
ehays@ecf.courtdrive.com;kfrederick@ecf.courtdrive.com;cmendoza@marshackhays.com;cmendoza@ecf.courtdrive.com

Brandon J Iskander on behalf of Creditor The Huntington Beach Gables Homeowners Association  
biskander@goforlaw.com, kmurphy@goforlaw.com

Brandon J Iskander on behalf of Plaintiff The Huntington Beach Gables Homeowners Association  
biskander@goforlaw.com, kmurphy@goforlaw.com

Eric P Israel on behalf of Trustee Jeffrey I Golden (TR)  
eisrael@DanningGill.com, danninggill@gmail.com;eisrael@ecf.inforuptcy.com

Laila Masud on behalf of Interested Party Courtesy NEF  
lmasud@marshackhays.com, lmasud@ecf.courtdrive.com;kfrederick@ecf.courtdrive.com

Laila Masud on behalf of Plaintiff Houser Bros. Co.  
lmasud@marshackhays.com, lmasud@ecf.courtdrive.com;kfrederick@ecf.courtdrive.com

Mark A Mellor on behalf of Defendant Randall L Nickel  
mail@mellorlawfirm.com, mellormr79158@notify.bestcase.com

Mark A Mellor on behalf of Interested Party Courtesy NEF mail@mellorlawfirm.com, mellormr79158@notify.bestcase.com

Valerie Smith on behalf of Interested Party Courtesy NEF claims@recoverycorp.com

United States Trustee (SA) ustpregion16.sa.ecf@usdoj.gov

of California.

**F 9013-3.1.PROOF.SERVICE**

JAMIE LYNN GALLIAN  
16222 Monterey Lane Unit 376  
Huntington Beach, CA 92649  
(714)321-3449  
[jamiegallian@gmail.com](mailto:jamiegallian@gmail.com)

**UNITED STATES BANKRUPTCY COURT**  
**CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION**

In re:

JAMIE LYNN GALLIAN } CASE NO. 8:21-bk-11710-SC  
Debtor, } Adv. 8:21-ap-01096-SC  
} Chapter 7

JANINE JASSO }  
Plaintiff, } DEFENDANTS' REPLY AND  
vs. } OPPOSITION TO PLAINTIFF'S  
} UNTIMELY RESPONSE (ECF 91)  
} TO MOTION TO DISMISS, (ECF.  
} 63)

JAMIE LYNN GALLIAN } Date: January 10, 2023  
Defendant } Time: 1:00 p.m.  
} Dept: 5C Via Zoom.Gov  
} 411 W. Fourth Street  
} Santa Ana, CA 92701

**TO THE HONORABLE SCOTT C. CLARKSON, UNITED STATES  
BANKRUPTCY JUDGE, PLAINTIFF, JANINE JASSO, THE OFFICE OF THE**

1 UNITED STATES TRUSTEE, THE TRUSTEE AND HIS COUNSEL, AND ALL  
2 PARTIES IN INTEREST.

3 JAMIE LYNN GALLIAN hereby opposes ECF 91. Debtor has not received  
4 Plaintiff's Opposition as declared in the Proof of Service ECF 91 at page 23 of 23.  
5 Debtor downloaded ECF 91 from PACER. It appears a family member of  
6 Plaintiff, David Jasso, completed the Proof of Service declared on 1/01/2023.

7 Notedly, F 9013-3.1. PROOF.SERVICE Section 1 states TO BE SERVED  
8 BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF). However, no  
9 list of persons to be served via the NEF system is attached to the pleading or Proof  
10 of Service.

11 Second, the Chapter 7 Trustee, Jeffrey Golden was not listed, therefore not  
12 served.

13 Third, it appears after reading Ms. Jasso's Declaration, she declares under  
14 penalty of perjury, and as an Officer of the Court, SBN 170188, she was not served  
15 the pleading by Robert McLelland.

16 Mr. McLelland has provided copies from his email account OC Services  
17 ([bobwentflying@yahoo.com](mailto:bobwentflying@yahoo.com)) for the proposition Ms. Jasso was electronically  
18 served with success on the dates stated on the f 9013-3.1Proof.Service filed with  
19 Debtors Motion to Dismiss. ECF 63.

Additionally, in reviewing the Docket 8:21-ap-01096, ECF 91 appears noted on the Docket with a date of January 1, 2023, (New Year's Day, a Court holiday) but entered January 3, 2023.

## **MEMORANDUM POINTS & AUTHORITIES**

## BACKGROUND

On July 9, 2021, Defendant initiated the underlying bankruptcy case by filing a voluntary petition for relief under Chapter 7 of the Bankruptcy Code, 11 U.S.C. In re JAMIE LYNN GALLIAN No. 8:21-bk-11710-SC, (ECF. 1).

On Schedule E/F to her bankruptcy petition Defendant listed Plaintiff as one of six creditor(s) in addition to The Huntington Beach Gables Homeowners Association all claiming some interest in the same (1) nonpriority unsecured claim of \$ 46,138.00. Debtor listed Plaintiff as follows: "Janine Jasso, c/o Huntington Beach Gables Homeowners Association No. 8:21-bk-11710-SC, ECF 1 at 26 (internal paginations, Schedule E/F at 3/11, creditor 4.6). On the same day, July 9, 2021, Defendant also filed a Verification of Master Mailing List of Creditors [LBR 1007-1(d)], certifying that the master mailing list of creditors filed in the bankruptcy case was complete, correct, and consistent with the Defendant's schedules. No. 8:21-bk-11710-SC, ECF 1 at 56. Debtor listed Plaintiff Janine Jasso P.O. Box 370161 El Paso, TX 79937.

On July 9, 2021, the court filed and entered an Official Form 309A, “Notice of Chapter 7 Bankruptcy Case — No Proof of Claim Deadline,” ECF. 7 which stated in bold “This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines. Read all pages carefully.” No. 8:21-bk-11710-SC, ECF. 7 at 3/5.

1       The Official Form 309A, Notice of Chapter 7 Bankruptcy Case, also stated  
2 that “Creditors who assert that the debtors are not entitled to a discharge of any  
3 debts or who want to have a particular debt excepted from discharge may be  
4 required to file a complaint in the bankruptcy clerk's office within the deadlines  
5 specified in this notice, (See line 9 for more information.)[.]” Id. Line 6 of Official  
6 Form 309A, Notice of Chapter 7 Bankruptcy Case, listed the address, operating  
7 hours and contact phone number for the Bankruptcy Court Clerk's office with an  
8 explanation that “Documents in this case may be filed at this address.” Id. at 4.  
9  
10 Line 7 of the Official Form 309A, Notice of Chapter 7 Bankruptcy Case, under the  
11 heading “Meeting of Creditors,” stated the date of the meeting of creditors in bold:  
12 “August 18, 2021 at 9:00 a.m.” Id. Line 9 of the Official Form 309A, Notice of  
13 Chapter 7 Bankruptcy Case, under the heading “Deadlines,” stated in bold: “File  
14 by the deadline to object to discharge or to challenge whether certain debts are  
15 dischargeable: ... Filing deadline: 10/18/21.” Id.<sup>1</sup> Thus, the Official Form 309A,  
16 Notice of Chapter 7 Bankruptcy Case, stated that the 11 U.S.C. § 341(a) Meeting  
17 of Creditors was scheduled for August 18, 2021, and objections for discharge had  
18 to be filed no later than October 18, 2021. Id. (emphasis added).  
19  
20      On July 9, 2021, the court filed and entered the Master Mailing List of  
21 Creditors on the case docket, and included therein was: “Janine Jasso, c/o Gordon  
22 Rees Skully & Masukhani, 633 W. 5<sup>th</sup> Street, 52<sup>nd</sup> Floor, Los Angeles, CA 90071-  
23 2005; Janine Jasso P.O. Box 370161, TX 79937-0161 No. 8:21-bk-11710-SC, ECF  
24 7 (listing 36 total creditors).  
25  
26      On July 11, 2021, the Bankruptcy Noticing Center filed and entered its  
27 Certificate of Notice, ECF 7, attesting that the Official Form 309A, Notice of  
28

1 Chapter 7 Bankruptcy Case, ECF 15, was served on all creditors, including Janine  
2 Jasso. ECF 7 at 1.

3 According to the Certificate of Notice, the Bankruptcy Noticing Center served the  
4 Official Form 309A, Notice of Chapter 7 Bankruptcy Case, ECF 7, on “Janine  
5 Jasso, P.O. Box 370161, TX 79937-0161” and a second address  
6 “Janine Jasso c/o Gordon Rees Skully & Masukhani, 633 W. 5<sup>th</sup> Street, 52<sup>nd</sup> Floor,  
7 Los Angeles, CA 90071-2005 “ both by first class mail on July 11, 2021. Id.  
8

9  
10 On October 18, 2021, Plaintiff filed her “Complaint for Determination of  
11 Dischargeability and Objecting to Debtor’s Discharge Pursuant to Sections 523  
12 And 727 of the Bankruptcy Code.” ECF 1 (the “Complaint”). The face of the  
13 Complaint indicated that Plaintiff was filing it as “Plaintiff, In Pro Per” Id. The  
14 Complaint was filed un-signed, without an original wet signature. Plaintiff dated  
15 the Complaint October 18, 2021. Id. at 14. The face of the complaint is stamped  
16 FILED, Clerk U.S. Bankruptcy Court Central District of California BY: (No  
17 initials were noted) by Deputy Clerk.  
18

19 A Proof of Service F 901303.1.PROOF.SERVICE was attached to the  
20 Complaint, Id 91. The Proof of Service contained the address of party over the age  
21 of 18 and not a party to this bankruptcy case or adversary proceeding as  
22 3250 Fairesta Street, La Crescenta, CA 90214.  
23

24 Section 2 of F 9013-3.1.Proof .Service, states: On (date) 10/18/2021, I  
25 served the following persons and/or entities at the last known address in this  
26 bankruptcy case or adversary proceeding by placing a true and correct copy thereof  
27 in a sealed envelope in the United States mail, first class, postage prepaid, and  
28

1 addressed as follows. Listing the judge here constitutes a declaration that mailing  
2 to the judge will be completed no later than 24 hours after the document is filed.  
3 Hon. Erithe A. Smith United States Bankruptcy Court Central District of California  
4 Ronald Reagan Federal Building 411 West Fourth Street, Suite 5040/Courtroom  
5 5A, Santa Ana, CA 92701-4593.

6  
7 The debtor is not listed on the Proof of Service of Document. ECF 91. Request  
8 Judicial Notice. An Adversary Proceeding Cover Sheet is attached 1of 2.  
9 However, the Cover Sheet is not signed nor dated by Plaintiff, and Page 2 of the  
10 Cover Sheet is not attached. Request Judicial Notice.

11 On October 19, 2021, Plaintiff filed an “Original signature page to  
12 Complaint and Adv. Cover Sheet”; (Attachments: # 1 Original Signature Page to  
13 Adv Cover Sheet. (Entered: 10/19/2021) ECF 3

14 The identical 10/18/2021 Proof of Service F 901303.1.PROOF.  
15 SERVICE was attached to the 10/19/2021 ECF 3, Complaint, Id 91. The Proof of  
16 Service contained the address of party over the age of 18 and not a party to this  
17 bankruptcy case or adversary proceeding as 3250 Fairesta Street, La Crescenta, CA  
18 90214.

20 Section 2 of F 9013-3.1.Proof.Service states: On (date) 10/18/2021, I served  
21 the following persons and/or entities at the last known address in this bankruptcy  
22 case or adversary proceeding by placing a true and correct copy thereof in a sealed  
23 envelope in the United States mail, first class, postage prepaid, and addressed as  
24 follows. Listing the judge here constitutes a declaration that mailing to the judge  
25 will be completed no later than 24 hours after the document is filed.  
26  
27  
28

1 Hon. Erithe A. Smith United States Bankruptcy Court Central District of California  
2 Ronald Reagan Federal Building 411 West Fourth Street, Suite 5040/Courtroom  
3 5A, Santa Ana, CA 92701-4593.

4 Again, as noted above the debtor again is not listed on the Proof of Service  
5 of Document. ECF 3. An Adversary Proceeding Cover Sheet attached 1of 2 filed  
6 10/19/2021, ECF 3-1.

7 The “Title Page” of Plaintiff’s Adversary Complaint, ECF 1 and ECF 3,  
8 indicate JANINE JASSO, an individual, Plaintiff v. JAMIE LYNN GALLIAN, an  
9 individual; and DOES 1 through 100, inclusive, Defendants.

10  
11 Plaintiff’s Adversary Complaint, ECF 1 and ECF 3, Title Page, indicate JANINE  
12 JASSO, an individual, Plaintiff v. JAMIE LYNN GALLIAN, an individual; and  
13 DOES 1 through 100, inclusive, Defendants.

14  
15 The following list is as stated in ECF 1 and ECF 3:  
16

17 Plaintiff First Cause of Action.....(Against JAMIE LYNN GALLIAN and DOES  
18 1 Through 100)

19 Plaintiff Second Cause of Action.....(Against JAMIE LYNN GALLIAN and  
20 DOES 1 Through 100)

21 Plaintiff Third Cause of Action.....(Against JAMIE LYNN GALLIAN and DOES  
22 1 Through 100)

23 Plaintiff Fourth Cause of Action.....(Against JAMIE LYNN GALLIAN and  
24 DOES 1 Through 100).

25  
26 On October 26, 2021, Defendant’s Answer to Complaint. ECF 4.

27  
28 On October 27, 2021, Defendant refiled her Answer to Complaint with  
Affirmative Defenses. ECF 5.

1 Debtor requests the Court take judicial notice of an Officer of the Court, Janine  
2 Jasso perjured statements on ECF 91, page 8, Line 6-7. “Debtor answered  
3 Plaintiff’s FAC on December 10, 2021. See DK 13” “Debtor could have made a  
4 timely motion to dismiss before she answered the complaint.” “Plaintiff has done  
5 months of discovery for this case based on Debtor’s bankruptcy schedules prior to  
6 the filing of the FAC and Debtor’s defenses listed in her DK 13 Answer, including  
7 obtaining Debtor and the Defendant J-PAD, LLC (“JP LLC”) and Defendant J-  
8 SANDCASTLE CO LLC (“JSC LLC”) (collectively “Defendant LLCs”) bank,  
9 investment, and real property records from multiple government and private  
10 companies.”

12 Debtor just has one question for Plaintiff... Then why if you did “months of  
13 discovery for this case based on Debtor’s bankruptcy schedules prior to the filing  
14 of the FAC” does the FAC not contain one Cause of Action against J-Pad LLC or  
15 J-Sandcastle Co LLC????????????? And it has to be said, why would Plaintiff file  
16 1691 pages. All Debtor can say again is, “A complaint with the State Bar of  
17 California is forthcoming.”

19 On November 16, 2021, Plaintiff filed her “First Amended Complaint For  
20 Determination of Dischargeability and Objecting to Debtor’s Discharge Pursuant  
21 to Sections 523 And 727 of the Bankruptcy Code.” ECF 6-1 (the “FAC  
22 Complaint”). The face of the Complaint indicated that Plaintiff was filing it as  
23 “Plaintiff . In Pro Per” Id.

24

25

26

27

28

The “Title Page” Plaintiff’s First Amended Complaint, ECF 6, reads as follows:

JANINE JASSO, an individual, Plaintiff

V.

JAMIE LYNN GALLIAN, an individual; J-PAD, LLC, a California Limited Liability Company, J-Sandcastle Co LLC, A California Limited Liability Company, and DOES 1 through 100, inclusive, Defendants.

Plaintiff's First Amended Complaint ECF 6:

Plaintiff First Cause of Action.....(Against JAMIE LYNN GALLIAN and DOES  
1 Through 100)

Plaintiff Second Cause of Action.....(Against JAMIE LYNN GALLIAN and  
DOES 1 Through 100)

Plaintiff Third Cause of Action.....(Against JAMIE LYNN GALLIAN and  
DOES 1 Through 100)

Plaintiff Fourth Cause of Action....(Against JAMIE LYNN GALLIAN and DOES 1 Through 100).

There are [NO] Causes of Action asserted against J-Pad, LLC or J-Sandcastle Co LLC in the Operative Complaint filed without Leave of Court. ECF 6

On September 20, 2022. Plaintiff filed Notice of Motion and Motion To Strike Answers Filed Defendants J-Pad, LLC, And J-Sandcastle Co LLC; Memorandum Of Points And Authorities In Support Thereof. ECF 40

On October 25, 2022, the Court held a hearing on Ms. Jasso's MOT to Strike the Answer(s) of J-Pad, LLC and J-Sandcastle Co LLC completed and filed by JAMIE LYNN GALLIAN, the Debtor

1 Debtor believed she was required to file an Answer. The Chapter 7 was  
2 filed on behalf of Jamie Lynn Gallian. Neither J-Pad, LLC nor J-Sandcastle Co  
3 LLC have filed for bankruptcy.

4 Debtor was unaware of the hearing of October 25, 2022, therefore was not in  
5 attendance. More interestingly Plaintiff, Janine Jasso, the Moving party did not  
6 appear at the hearing October 25, 2022. Ms. Jasso's Motion to Strike J-Pad LLC  
7 and J-Sandcastle Co LLC Answer(s) was noted by the Court as [Unopposed].  
8 Debtor has never been absent during any Court hearing in debtor's Chapter 7, in  
9 the almost 20 months this Chapter 7 case has continued on. Debtor was in  
10 complete shock after reviewing the Courts Tentative Ruling Calendar October 25,  
11 2022, and realize she was absent.  
12

13 On November 2, 2022, Order Granting (Janine Jasso) Plaintiff's Motion To  
14 Strike The Answers Of Defendant's J-Pad And J-Sandcastle Co LLC And Entry of  
15 Default. IT IS ORDERED: The Motion is Granted. The Answers Filed By  
16 Defendant J-Pad Are Stricken From The Record (Docket 16 And 17). The  
17 Answers Filed By Defendant J-Sandcastle Co LLC Are Stricken From The Record  
18 (Docket Nos. )14, 15, And 18.

20 In Accordance With These Orders, The Court Further Orders The Clerk To Enter  
21 The Default of Defendant, J-Pad, LLC And Enter The Default Of Defendant, J-  
22 Sandcastle Co. LLC. (BNC-PDF) Related Doc 40.  
23

24 On the Debtor's mind this evening...Plaintiff asserted [NO] Causes of  
25 Action against J-Pad LLC and J-Sandcastle Co LLC in Plaintiff's First Amended  
26 Complaint ECF 6, filed without obtaining leave of court; and also an FAC that  
27 does not relate back to ECF 1 and/or ECF 3 and added new Defendants no less.  
28

1 However, on November 8, 2022, Defendant filed her “Motion for Dismissal of  
2 Adversarial Proceedings Filed by Plaintiff Janine Jasso against Debtor Jamie Lynn  
3 Gallian.” ECF 63. According to the proof of service of the Motion, Robert  
4 McLellan, served a copy of the Motion upon Janine Jasso, Esq. by Email  
5 [j9\\_jasso@yahoo.com](mailto:j9_jasso@yahoo.com) on November 8, 2022. ECF 64.

6 On November 9, 2022, Notice of Motion For: Motion To Dismiss Adversary  
7 Complaint: 1. Determine Dischargeability of Civil Attorney Fees Debt Separate  
8 and Aside Of Fees/Fine Pursuant To Section 523(A)(7); Argument Presented In  
9 Concurrent MSJ For Dismissal Of 1<sup>st</sup> Cause Of Action Section 523(a)(7); 2. To  
10 Determine Nondischargeability Of Debt Pursuant To 11 U.S.C. Section  
11 523(a)(2)(A); 3. For Denial Of Discharge Pursuant To 11 U.S.C. 727(a)(3); 4.  
12 For Denial Of Discharge Pursuant To 11 U.S.C. 727(a)(4); 5. For Denial Of  
13 Discharge Pursuant To 11 U.S.C. 727(a)(5). According to the Proof of Service of  
14 the Motion, Robert McLellan, served a copy of the Motion upon Janine Jasso,  
15 Esq. by Email [j9\\_jasso@yahoo.com](mailto:j9_jasso@yahoo.com) on November 9, 2022. ECF 68.

16 On December 2, 2022, the Court on its own Motion, Order Continuing  
17 Hearing On Motion To Dismiss. IT IS ORDERED. The Hearing On Debtor’s  
18 Motion To Dismiss Complaint filed November 8, 2022, (Docket 63) Is Hereby  
19 CONTINUED TO JANUARY 10, 2023, AT 1:30 P.M. In Courtroom 5C. Any  
20 Response Is Due 14 Days Prior To The Hearing. Replies are Due 7 Days Prior To  
21 The Hearing. (BNC-PDF). Signed on 12/2/2022. On December 4, 2022,  
22 Defendant received by email at jamiegallian@gmail.com, BNC Certificate of  
23 Notice – PDF Document. (RE: related document(s) 79 Order. Immediately after  
24 becoming aware of the BNC Certificate of Notice, Ms. Gallian decided to error on  
25 the side of caution because of uncertainty of not knowing whether it was Debtor’s  
26  
27  
28

1 responsibility to give Notice of the Continued Hearing on her Motion to Dismiss  
2 ECF 63, attached the BNC Order ECF 79, to Notice Of Motion For: (1) Motion To  
3 Dismiss Adversary Complaint (Doc 63), Filed 11/8/2022 (2) Order Filed &  
4 Entered Dec. 2, 2022 Continuing Hearing On Motion To Dismiss Is Attached for  
5 The Convenience Of The Court And The Parties. According to the Proof of  
6 Service of the Motion, Robert McLelland, served a copy upon Janine Jasso, Esq.  
7 by Email [j9\\_jasso@yahoo.com](mailto:j9_jasso@yahoo.com) on December 4, 2022. ECF 82, 83.

9 Plaintiff was Ordered on December 2, 2022, through the BNC Certificate of  
10 Notice-PDF ECF 80, stating “Any Response is Due 14 days Prior To The Hearing”,  
11 (which was December 27, 2022), and was the deadline for Plaintiff to file and  
12 serve any written opposition to the Motion pursuant to Local Bankruptcy Rule  
13 9013-1(f)(1). Debtor’s Reply is due 7 days prior to the hearing.  
14

15 As reflected on the case docket for this adversary proceeding, Plaintiff did  
16 not file a written opposition to the Motion by this date. Debtor has not had the  
17 appropriate time to respond to a myriad of excuses Plaintiff presents belied by the  
18 fact Plaintiff filed 5 Documents, (ECF 89, ECF 90, ECF 91, ECF 94, ECF 95  
19 consisting of 1,691 pages.

20 Plaintiff self-reported and admitted in her Response ECF 91, page 4, Line  
21 19-20, to having knowledge of Debtor’s Motion to Dismiss in early December and  
22 admitted to receiving BNC Certificate of Notice – PDF (mailed to the address in  
23 the Master Listing, 7/11/2021, BNC Certificate of Notice, ECF 7, Plaintiff’s P.O.  
24 Box).

25 “I received something from the court [sic] in December, which did not  
26 include any pleadings attached, regarding the Court calendaring Debtor’s  
27 motion.....” ECF 91 page 4 at Line 19-20,

1       Additionally, on December 4, 2022, Debtor prepared a corrected Notice of  
2 Hearing with the new date 1/10/23. Mr. Robert McLelland electronically served  
3 Plaintiff, Janine Jasso [j9\\_jasso@yahoo.com](mailto:j9_jasso@yahoo.com) on December 5, 2022. ECF 82  
4

5       Federal Rule of Bankruptcy Procedure 4007(c) provides that a complaint to  
6 determine dischargeability of debt under 11 U.S.C. § 523(a) “shall be filed no later  
7 than 60 days after the first date set for the meeting of creditors under [11 U.S.C.] §  
8 341(a) ... On motion of a party in interest, after hearing on notice, the court may for  
9 cause extend the time fixed under this subdivision. The motion shall be filed before  
10 the time has expired.” Since the first date set for the meeting of creditors under 11  
11 U.S.C. § 341(a) as stated in the Official Form 309A, Notice of Chapter 7  
12 Bankruptcy Case, was August 18, 2021, and the Official Form 309A, Notice of  
13 Chapter 7 Bankruptcy Case was served on all creditors, including Plaintiff, the 60-  
14 day deadline to challenge whether certain debts are dischargeable was October 18,  
15 2022. ECF 7 See, Federal Rule of Bankruptcy Procedure 4007(c). This filing  
16 deadline, October 18, 2021, was also expressly stated in the Official Form 309A,  
17 Notice of Chapter 7 Bankruptcy Case. ECF 7. Plaintiff did not file the Complaint  
18 until October 19, 2021, which was after the deadline without an extension.  
19 “[W]hen a creditor seeks to extend the 60-day window to file a nondischargeability  
20 complaint, the creditor must file a motion before the deadline passes and show  
21 cause why the extension is necessary.” Willms v. Sanderson, 723 F.3d 1094, 1100  
22 (9th Cir. 2013) (citing Federal Rule of Bankruptcy Procedure 9006(b)(3) and  
23 noting that the deadline for filing a nondischargeability complaint may be extended  
24 only to the extent and under the conditions stated in Federal Rule of Bankruptcy  
25 Procedure 4007(c)). The Federal Rules of Bankruptcy Procedure “afford [a

1 bankruptcy court] no discretion to extend retroactively the deadline set in [Federal  
2 Rule of Bankruptcy Procedure] 4007(c) for filing nondischargeability complaints.”  
3 Anwar v. Johnson, 720 F.3d 1183, 1185-1186 (9th Cir. 2013) (an attorney's  
4 computer problems did not excuse his late filing of two dischargeability complaints  
5 by 26 and 38 minutes).

6 Therefore, under the Federal Rules of Bankruptcy Procedure, Plaintiff was  
7 required to either file a nondischargeability complaint or a motion to extend the  
8 deadline to file such a complaint, for cause, within 60 days of the 11 U.S.C. §  
9 341(a) meeting of creditors, i.e. by October 18, 2021. Plaintiff did not file the  
10 Complaint or a motion to extend the deadline by October 18, 2021, and therefore,  
11 the Complaint is time-barred.

12 In Willms v. Sanderson, the Ninth Circuit stated that “Ninth Circuit law strictly  
13 construes Rule 4007(c) and courts cannot extend its time limit implicitly where no  
14 such motion is made.” 723 F.3d at 1100 (alterations and citations omitted). The  
15 strict application of Rule 4007(c) is “necessary due to the need for certainty in  
16 determining which claims are and are not discharged.” Id. (citation omitted). The  
17 Ninth Circuit has “repeatedly held that the sixty-day time limit for filing  
18 nondischargeability complaints under [§ 523(a)] is strict and, without qualification,  
19 cannot be extended unless a motion is made before the 60-day limit expires.”  
20 Anwar v. Johnson, 720 F.3d at 1187 (citations and internal quotation marks  
21 omitted).

22 The evidentiary record described herein indicates that Plaintiff was aware of the  
23 deadline to file a complaint to determine dischargeability of debt that Defendant  
24 owes to him because: (1) the Official Form 309A, Notice of Chapter 7 Bankruptcy  
25 Case notified creditors of the filing deadline and was served on Plaintiff on July

1 11, 2021 as indicated by the Bankruptcy Noticing Center certificate of notice, ECF  
2 7, which gave him notice of the deadline of over 90 days, more than the minimum  
3 30 day notice required by Federal Rule of Bankruptcy Procedure 4007(c); (2)  
4 Plaintiff was preparing to file the Complaint on the last day of the filing period  
5 under Federal Rule of Bankruptcy Procedure 4007(c) on October 18, 2021,  
6 however Plaintiff did not sign the complaint with a wet signature; (3) If Plaintiff  
7 lives in El Paso Texas as self-reported to this Court, did Ms. Jasso, sign the  
8 Complaint and file the Complaint on October 19, 2021 in the Clerk's Office; (4) In  
9 Ms. Jasso's attempt to file the Complaint on time on October 18, 2021, the  
10 Complaint was filed at the Clerk window without a wet signature was ineffective;  
11 and (5) Ms. Jasso's last attempt to file the Complaint on October 19, 2021 was  
12 effective, but beyond the sixty-day filing deadline.  
13

14 None of these facts can be disputed by Plaintiff.  
15

16 Ms. Jasso's attempt to file the Complaint with the Bankruptcy Clerk window on  
17 time was ineffective because an unsigned complaint without a wet signature is not  
18 a proper filing a complaint. Under Federal Rule of Bankruptcy Procedure 5005(a),  
19 complaints and other papers required to be filed under the Federal Rules of  
20 Bankruptcy Procedure "shall be filed with the clerk in the district where the case  
21 under the [Bankruptcy] Code is pending." Because Defendant's bankruptcy case  
22 was pending in the Central District of California, Plaintiff was required to file the  
23 Complaint with the Clerk of the Bankruptcy Court in the Central District of  
24 California. The Local Bankruptcy Rules for the Central District of California  
25 mandate the electronic filing with the Clerk of "all documents submitted in any  
26 case or proceeding," on the Bankruptcy Court's Case Management/Electronic Case  
27 Filing ("CM/ECF") System unless the filing includes confidential court records or  
28

1 the filing party is a pro se litigant [or] an “attorney who files documents in fewer  
2 than 5 bankruptcy cases or adversary proceedings in a single calendar year[.]”

3 Local Bankruptcy Rule 5005-4 and Section 3.1 of the Court Manual for the  
4 United States Bankruptcy Court, Central District of California (the “Court  
5 Manual”). As stated in the Court Manual, “Case Management/Electronic Case  
6 Filing (CM/ECF) is a case management system that allows [attorneys] to  
7 electronically file petitions and other documents via the internet.” Court Manual, §  
8 3.1(a). Generally, [only] attorneys admitted to practice in the Central District of  
9 California, currently in good standing, are eligible to use the CM/ECF system and  
10 file documents with the Bankruptcy Court electronically, and the attorneys must be  
11 registered with CM/ECF, must have completed online training on the CM/ECF  
12 system and prove competence on the system to use it and file documents with the  
13 court electronically. Court Manual, § 3.2(a), (b) and (c).

16  
17 In this case, Plaintiff, a California Licensed Attorney in good standing,  
18 eligible to file documents with the Bankruptcy Court electronically on the court's  
19 CM/ECF system, although not required to file her Complaint electronically, as Ms.  
20 Jasso filed the Adversary Complaint “in pro se”. However, since the inception of  
21 Debtor's Chapter 7 case, the only address ever provided [by] Ms. Janine Jasso is a  
22 P.O. Box in El Paso, Texas. All complaints and pleadings in this Chapter 7 filed  
23 by Plaintiff, Janine Jasso, Esq. list a P.O. Box 370161 El Paso, TX 79937.

24 Pursuant to Local Bankruptcy Rule 1071-1(c), “Documents filed non-  
25 electronically, other than a petition, must be filed only in the divisional office of  
26 the clerk to which the relevant case or proceeding has been assigned.  
27

1       However, the clerk may, by special waiver or upon the order of the court,  
2 accept documents in any office of the clerk irrespective of division.” Further, a  
3 “document delivered for filing to the clerk will be accepted if accompanied by any  
4 required fee and signature[...].” Local Bankruptcy Rule 5005-1.  
5

6       Section 3.11 of the Court Manual is nearly identical to Local Bankruptcy  
7 Rule 5005-4 and repeats the exceptions to mandatory electronic filing. Court  
8 Manual, § 3.11 at 3-18 and 3-19. Moreover, the Court Manual states that if, for  
9 example, the court is unable to accept electronic filings for any reason, “the option  
10 of filing documents manually at the filing window always remains available and  
11 should be utilized whenever it is essential that a particular document be filed by a  
12 particular date.” Id., § 3.12 at 3-19. For pro se litigants, after application and  
13 approval, the court provides an Electronic Drop Box (“EBD”).  
14

15       The court's local rules and the Court Manual thus provide that the filing of a  
16 complaint or other document with the Clerk of the Bankruptcy Court is to be done  
17 electronically if the filer is required to file electronically, and if the filer [is not]  
18 required to file electronically, the filer is to file the complaint or other document  
19 manually at the filing window of the Clerk's Office.  
20

21       Accordingly, Ms. Jasso's Unsigned Complaint ECF 1, presented without a  
22 wet signature, was unauthorized and ineffective, and her second filing of the  
23 Complaint at the filing window, (ECF. 3) on October 19, 2021 which was  
24 purportedly executed with Ms. Janine Jasso's wet signature and effective, was late.  
25

26  
27       The time limit of Federal Rule of Bankruptcy Procedure 4007(c) is strictly  
28 enforced and cannot be extended once the deadline has passed, which happened

1 here as the Complaint was filed late, without any request for extension of time filed  
2 before the deadline.  
3

4 CONCLUSION  
5

6 Plaintiff's Complaint was not filed within the time period required  
7 under Federal Rule of Bankruptcy Procedure 4007(c) and is therefore time-barred.  
8

9 Defendant's respectfully request the Motion To Dismiss the Complaint and  
10 the Adversary Proceeding be granted and the Complaint and the adversary  
11 proceeding be dismissed with prejudice. Anwar v. Johnson, 720 F.3d at 1189  
12 (affirming the bankruptcy court's dismissal of the dischargeability complaint with  
13 prejudice for filing the complaint late under Federal Rule of Bankruptcy Procedure  
14 4007(c)).

15 Debtor in addition, requests the Court to consider any other Orders fair and  
16 just.

17 I declare under penalty of perjury, the foregoing to be true and correct. Signed  
18 this 5th day of January, 2023, at Huntington Beach, California.

19 Dated: 1/5/2023

20 Respectfully submitted,

21   
22 JAMIE LYNN GALLIAN  
23 Defendant, IN PRO PER

24 FOOTNOTES

25 [1] The form also notes that "You must file a complaint: ... if you want to have a  
26 debt excepted from discharge under 11 U.S.C. § 523(a)(2), (4), or (6)." Id.  
27  
28

# EXHIBITS

- 1      1. November 8, 2022 ECF 63
- 2      2. November 9, 2022 ECF 68
- 3      3. December 5, 2022 ECF 83

OS

**From:** OC Services bobwentflying@yahoo.com  
**Subject:** ELECTRONIC SERVICE MOTION TO DISMISS ADVERSARY COMPLAINT.  
**Date:** November 8, 2022 at 9:21 AM  
**To:** Janine Jasso j9\_jasso@yahoo.com  
**Cc:** OC Services bobwentflying@yahoo.com, Jamie Gallian jl gallian@icloud.com



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FINAL 11.7.22  
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OS

**From:** OC Services bobwentflying@yahoo.com  
**Subject:** ELECTRONIC SERVICE MOTION TO DISMISS 12/13/2022  
**Date:** November 9, 2022 at 12:41 PM  
**To:** Janine Jasso j9\_jasso@yahoo.com  
**Cc:** OC Services bobwentflying@yahoo.com, Jamie Gallian jigallian@icloud.com



POS 22-01096  
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OS

From: OC Services bobwentflying@yahoo.com  
Subject: Electronic Service Notice of Continued Hearing DOC 63  
Date: December 5, 2022 at 12:45 AM  
To: Janine Jasso j9\_jasso@yahoo.com  
Cc: OC Courts Email Admin apps@occourts.org



NOT OF  
CONTI...pdf.pdf

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:  
5801 SKYLAB ROAD HUNTINGTON BEACH, CA 92649

A true and correct copy of the foregoing document entitled (*specify*): DEFENDANTS' REPLY AND OPPOSITION TO PLAINTIFF'S UNTIMELY RESPONSE (ECF 91) TO MOTION TO DISMISS (ECF 63)

will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) 01/05/2023, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On (*date*)                         , I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served):** Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) 01/06/2023, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

JANINE JASSO, ESQ.

EMAIL ADDRESS: J9\_JASSO@YAHOO.COM

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

01/06/2023      ROBERT MCLELLAND  
Date                 Printed Name

Robert McLelland  
Signature

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

ADDITIONAL SERVICE INFORMATION (if needed):

**1. SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")**

Aaron E DE Leest on behalf of Trustee Jeffrey I Golden (TR)  
adeleest@DanningGill.com, danninggill@gmail.com;adeleest@ecf.inforuptcy.com

Robert P Goe on behalf of Creditor The Huntington Beach Gables Homeowners Association  
kmurphy@goeforlaw.com, rgoe@goeforlaw.com;goeforecf@gmail.com

Robert P Goe on behalf of Plaintiff The Huntington Beach Gables Homeowners Association  
kmurphy@goeforlaw.com, rgoe@goeforlaw.com;goeforecf@gmail.com

Jeffrey I Golden (TR) lwerner@wgllp.com, jig@trustesolutions.net;kadele@wgllp.com

D Edward Hays on behalf of Creditor Houser Bros. Co. dba Rancho Del Rey Mobile Home Estates  
ehays@marshackhays.com,  
ehays@ecf.courtdrive.com;kfrederick@ecf.courtdrive.com;cmendoza@marshackhays.com;cmendoza@ecf.courtdrive.com

D Edward Hays on behalf of Interested Party Courtesy NEF  
ehays@marshackhays.com,  
ehays@ecf.courtdrive.com;kfrederick@ecf.courtdrive.com;cmendoza@marshackhays.com;cmendoza@ecf.courtdrive.com

D Edward Hays on behalf of Plaintiff Houser Bros. Co.  
ehays@marshackhays.com,  
ehays@ecf.courtdrive.com;kfrederick@ecf.courtdrive.com;cmendoza@marshackhays.com;cmendoza@ecf.courtdrive.com

Brandon J Iskander on behalf of Creditor The Huntington Beach Gables Homeowners Association  
biskander@goeforlaw.com, kmurphy@goeforlaw.com

Brandon J Iskander on behalf of Plaintiff The Huntington Beach Gables Homeowners Association  
biskander@goeforlaw.com, kmurphy@goeforlaw.com

Eric P Israel on behalf of Trustee Jeffrey I Golden (TR)  
eisrael@DanningGill.com, danninggill@gmail.com;eisrael@ecf.inforuptcy.com

Laila Masud on behalf of Creditor Houser Bros. Co. dba Rancho Del Rey Mobile Home Estates  
lmasud@marshackhays.com, lmasud@ecf.courtdrive.com;kfrederick@ecf.courtdrive.com

Laila Masud on behalf of Interested Party Courtesy NEF  
lmasud@marshackhays.com, lmasud@ecf.courtdrive.com;kfrederick@ecf.courtdrive.com

Laila Masud on behalf of Plaintiff Houser Bros. Co.  
lmasud@marshackhays.com, lmasud@ecf.courtdrive.com;kfrederick@ecf.courtdrive.com

Mark A Mellor on behalf of Defendant Randall L Nickel  
mail@mellorlawfirm.com, mellormr79158@notify.bestcase.com

Mark A Mellor on behalf of Interested Party Courtesy NEF  
mail@mellorlawfirm.com, mellormr79158@notify.bestcase.com

Valerie Smith on behalf of Interested Party Courtesy NEF claims@recoverycorp.com

United States Trustee (SA) ustpregion16.sa.ecf@usdoj.gov

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:  
5801 Skylab Road, Huntington beach, CA 92647

A true and correct copy of the foregoing document entitled: DEFENDANTS' REQUEST FOR ORAL ARGUMENT ON THE COURTS TENTATIVE RULING POSTED 1/6/2023 RE DEBTOR'S MOTION TO DISMISS, (ECF. 63) will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) 01/09/2023, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

**Jeffrey I Golden (TR)** l Werner@wglip.com; jlg@trusteesolutions.net; kadele@wglip.com

**United States Trustee (SA)** ustpregion16.sa.ecf@usdoj.gov

Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On \_\_\_\_\_, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served):** Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on 1/09/2023 I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

**Plaintiff Janine B. Jasso, Esq.**  
**Email Address:** j9\_jasso@yahoo.com

Service information continued on attached page

January 9, 2023 Robert McLelland  
Date Printed Name

*Robert McLelland*  
Signature bobwentflyng@yahoo.com

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

ADDITIONAL SERVICE INFORMATION (if needed):

**1. SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")**

Aaron E DE Leest on behalf of Trustee Jeffrey I Golden (TR)  
adeleest@DanningGill.com, danninggill@gmail.com;adeleest@ecf.inforuptcy.com

Robert P Goe on behalf of Creditor The Huntington Beach Gables Homeowners Association  
kmurphy@goforlaw.com, rgoe@goforlaw.com;goeforecf@gmail.com

Robert P Goe on behalf of Plaintiff The Huntington Beach Gables Homeowners Association  
kmurphy@goforlaw.com, rgoe@goforlaw.com;goeforecf@gmail.com

Jeffrey I Golden (TR) lwerner@wglip.com, jig@trustesolutions.net;kadele@wglip.com

D Edward Hays on behalf of Creditor Houser Bros. Co. dba Rancho Del Rey Mobile Home Estates  
ehays@marshackhays.com,  
ehays@ecf.courtdrive.com;kfrederick@ecf.courtdrive.com;cmendoza@marshackhays.com;cmendoza@ecf.courtdrive.com

D Edward Hays on behalf of Interested Party Courtesy NEF  
ehays@marshackhays.com,  
ehays@ecf.courtdrive.com;kfrederick@ecf.courtdrive.com;cmendoza@marshackhays.com;cmendoza@ecf.courtdrive.com

D Edward Hays on behalf of Plaintiff Houser Bros. Co.  
ehays@marshackhays.com,  
ehays@ecf.courtdrive.com;kfrederick@ecf.courtdrive.com;cmendoza@marshackhays.com;cmendoza@ecf.courtdrive.com

Brandon J Iskander on behalf of Creditor The Huntington Beach Gables Homeowners Association  
biskander@goforlaw.com, kmurphy@goforlaw.com

Brandon J Iskander on behalf of Plaintiff The Huntington Beach Gables Homeowners Association  
biskander@goforlaw.com, kmurphy@goforlaw.com

Eric P Israel on behalf of Trustee Jeffrey I Golden (TR)  
eisrael@DanningGill.com, danninggill@gmail.com;eisrael@ecf.inforuptcy.com

Laila Masud on behalf of Interested Party Courtesy NEF  
lmasud@marshackhays.com, lmasud@ecf.courtdrive.com;kfrederick@ecf.courtdrive.com

Laila Masud on behalf of Plaintiff Houser Bros. Co.  
lmasud@marshackhays.com, lmasud@ecf.courtdrive.com;kfrederick@ecf.courtdrive.com

Mark A Mellor on behalf of Defendant Randall L Nickel  
mail@mellorlawfirm.com, mellormr79158@notify.bestcase.com

Mark A Mellor on behalf of Interested Party Courtesy NEF mail@mellorlawfirm.com, mellormr79158@notify.bestcase.com

Valerie Smith on behalf of Interested Party Courtesy NEF claims@recoverycorp.com

United States Trustee (SA) ustpregion16.sa.ecf@usdoj.gov

of California.

**F 9013-3.1.PROOF.SERVICE**